

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

**Alexander K. Mills**

FOR: **METHOD AND APPARATUS FOR  
NON-INVASIVE CONTINUOUS  
DETERMINATION OF  
PHYSIOLOGICAL PARAMETERS**

SERIAL NO. to be assigned

FILED: to be assigned

ART UNIT NO: to be assigned

EXAMINER: to be assigned

Attorney Docket No: **WT-02-004**

I hereby certify that this paper is being  
deposited with the United States Postal  
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addressed to the Commissioner of Patents  
and Trademarks, Washington, D.C. 20231 on:

OCT. 6, 2000

Date

Danielle Gragg

Printed name of person mailing paper

Danielle Gragg

Signature of person mailing paper

**COMBINED DECLARATION AND  
POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

As below named inventors, we hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional

\_\_\_ continuation  
\_\_\_ continuation-in-part

### INVENTORSHIP IDENTIFICATION

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **METHOD AND APPARATUS FOR NON-INVASIVE CONTINUOUS DETERMINATION OF PHYSIOLOGICAL PARAMETERS**

### SPECIFICATION IDENTIFICATION

the specification of which:

- (a) XXX is attached hereto.
- (b) \_\_\_ was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
  
and was amended on \_\_\_\_\_
- (c) \_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
\_\_\_\_\_ filed on \_\_\_\_\_ and  
as amended under PCT Article 19 on \_\_\_\_\_.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

We hereby state that we have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information

XXX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XXX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

— In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §119)**

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) XXX no such applications have been filed.

(e) — such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Not Applicable			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Not Applicable

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER  
35 U.S.C. §120**

We hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

<u>U.S. APPLICATIONS</u>	<u>U.S. FILING DATE</u>	<u>STATUS (Patented/Pending/Abandoned)</u>
60/158,097	October 7, 2000	Pending

**35 USC §119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED  
U.S./PCT APPLICATIONS**

Above Application No.	Details of Foreign Application From Which Priority Claimed Under 35 USC §119
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**Not Applicable**

**POWER OF ATTORNEY**

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**RALPH C. FRANCIS  
FRANCIS LAW GROUP  
1946 Embarcadero  
Oakland, CA 94606  
Reg. No. 38,884**

**Tel No.: (510) 261-4800**

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

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SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

**RALPH C. FRANCIS**  
**FRANCIS LAW GROUP**  
1946 Embarcadero  
Oakland, California 94606  
Reg. No. 38,884

**RALPH C. FRANCIS**  
**(510) 261-4800**

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**DECLARATION**

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**

Full name of inventor: **ALEXANDER K. MILLS**

Inventor's signature *Alexander K. Mills*

Date: 10/5/2000 Country of Citizenship: Canada

Residence: 7 Old Westbury Lane, Webster Groves, MO 63119

Post Office Address: \_\_\_\_\_

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added \_\_\_\_.

\* \* \*

\_\_\_\_ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

\_\_\_\_ Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

X This Declaration ends with this page.